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FILED

MAY 16 2008

2008 MAY 27 PM 3:48

1 IN THE UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA

3 CLERK US DISTRICT COURT  
4 SOUTHERN DISTRICT OF CALIFORNIA  
5 RAA

IN re ERIC W. BURTON #FO2720

6 CASE NO: 3:08-cv-00325 LAB (APC) DEPUTY

7 ON FEDERAL HABEAS CORPUS,

8 DATE 5-13-08

9 PETITIONER

10 NOTICE OF MOTION AND MOTION TO;

11 VS.

12 RESERVE AN OBJECTION TO, IN

13 DIRECTOR OF THE CALIFORNIA  
14 DEPARTMENT OF CORRECTIONS

15 THE EVENT OF, THE UNNECESSARY USE OF DECLARATIONS,  
16 AND/OR REPORTER'S TRANSCRIPTS, AS

17 AND REHABILITATION,  
18 RESPONDENT

19 THEY ARE UNNECESSARY TO  
20 RESOLVE THE ISSUES IN

21 THE MATTER OF ANY  
22 PROCEEDING, APPEAL OR  
23 OTHERWISE, PURSUANT TO,

24 CIRCUIT RULE 30-1.2, FRAP 30(2) REQUEST FOR COURT

25 TO GIVE TIMELY NOTICE TO  
26 ALL PARTIES INVOLVED IN  
27 THE INSTANT MATTER.

28 NOTICE IS HEREBY GIVEN: THE PETITIONER/APPELLANT ERIC W. BURTON #FO2720  
29 AN UNCONSTITUTIONALLY INCARCERATED INDIGENT STATE PRISONER,

30 AS SOON AS THE MATTER MAY BE HEARD RESERVES AN OBJECTION AGAINST  
31 APPELLEE FOR ANY INTENDED USE OF ANY DECLARATIONS, REPORTER'S TRANSCRIPTS, AS  
32 BEING UNNECESSARY TO THE RESOLUTION OF ISSUES OF PETITIONER'S  
33 HABEAS CORPUS PETITION OR APPEAL THEREFROM. PETITIONER STIPULATES  
34 TO THE PETITION IT'S SELF, AND INCORPORATES ALL GROUNDS, CONTENTIONS,  
35 FACTS, AND ISSUES ALLEGED IN PETITION AND STIPULATES TO THE R.T.  
36 EXCERPTS FILED AS ACCOMPANIED AND ATTACHED, AND REFERENCED  
37 THEREBY AS BEING SUFFICE TO RESOLVE ANY ISSUE AT PRESENT TIME.  
38 THE POWERS OF THE DISTRICT COURT ARE BROAD AND VAST, AND HAS THE JURISDICTION  
39 TO GRANT THIS TIMELY RESERVED MOTION IN THE LIKELY EVENT OF  
40 APPELLEE'S ADVERSE ACTIONS, OR MOTIONS FILED THEREOF AND THEREFROM.  
41 I DECLARE UNDER THE LAWS OF PENALTY OF PER JURY AS GOVERNED BY THE  
42 UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.  
43 SIGNED: ERIC W. BURTON #FO2720  
44 ERIC W. BURTON  
45 DATED 5-13-08

P.O. BOX 5240 - CSATE/SP-C-1192  
CORCORAN, CA. 93212  
IN PROPER

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Eric W. BURTON, declare I am over 18 years of age and a party to this action. I am a resident of ~~High Desert State Prison in the County of Lassen, State of California.~~ <sup>CSATE/SP-C-1192 CORCORAN, CA. 93212</sup> ~~Even though~~

of Lassen, State of California. My prison address is: P O Box 3030 SUSANVILLE, CA. 96127-0000

On 13 MAY 08 VIA PRISON LEGAL MAIL SYSTEM I served the attached:

RESERVED MOTION OF PROTECTION IN THE EVENT OF THE APPELLEE'S (ATTORNEY GENERAL'S) ATTEMPT TO USE UNNECESSARY REPORT'S TRANSCRIPT.

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows: UNITED STATES DISTRICT COURT

SOUTHERN CALIFORNIA DISTRICT

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on 5-13-08  
(Date)

Eric W. Burton # F02720  
(Declarant's Signature) ERIC W. BURTON